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ON

THE DUTIES OF LEGISLATURES

IN RELATION TO

PUBLIC SCHOOLS IN THE UNITED STATES.

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BY REV. CHARLES BROOKS,  
OF BOSTON, MASS.

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THE legislature of any State in this Union may enact the following laws :

Towns having fifty families shall provide one public free school, to be kept six months in each year ; towns having one hundred families, one school for one year ; one hundred and fifty families, two schools for nine months each ; five hundred families, two schools for one year—and so on. Towns may assess taxes on all persons and property, for the support of public free schools. The selectmen of any town shall determine the location of the school-houses. The school committee shall procure and examine the teachers ; and they shall determine what books may be used. Each town shall furnish books to the poor gratis. If districts refuse to establish schools, it shall

be the duty of the school committee to go and do it. If the town refuses, it shall be fined. Contiguous districts may be united, in order to accomplish a fit classification of pupils. There shall be made to the legislature annual returns from every town, of all matters connected with the public schools. Clergymen are invited to take special interest in the schools. So much money as any town raises for the support of public schools, in such proportion shall said town be allowed to draw of the public money for the same purpose. All these laws, and others like them, have been passed by legislatures; and they may pass many more such, and yet not touch the deepest wants of the age.

To ask if legislatures have the right to enact laws, required in the nineteenth century, is like asking if a parent has a right to do the best thing he can for his children. The only question is, *how far* should the legislative right be exercised?

The duties of legislatures in relation to common schools may be summed up in this general statement; they are bound, politically and morally, to bring into natural and efficient action all the energies, physical, intellectual and moral, which are born in the State, or which belong to it; thus giving by law to every child the opportunity of making the most of himself. All the human faculties should be developed in their natural order, proper time, and due proportion. To make this plain, let us place before our mind's eye a man, whose *physical* organization is perfectly developed, but let us suppose this mature physical organism to have no intellect and no conscience! What

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is he? Just one third of a man. Now, let us suppose another person, who, to such physical development adds a perfect *intellectual* expansion; but he has no conscience! What is he? Just two-thirds of a man. Lastly, let us suppose a third person, who has all the physical and all the intellectual powers of the two just mentioned, and in addition has a proportionate development of his *moral* faculties! He exhibits a specimen of entire harmony of powers, each in its legitimate maturity, and each in pure, symmetrical and successful action! What is he? A MAN. A *whole* man. God's idea of a man.

It is for such human beings that God legislates; and all we ask is, that our civil fathers will follow God's example, and give children a chance to unfold *all* the capabilities of their complex constitutions. There are materials in God's world for producing such a man; a Maximinus in strength, a Bacon in intellect, and a Howard in benevolence; and we say, that the legislature is bound to act, *in union with parents*, in producing such results. And why? Because the child, by creation, has a right to education; a right which no Christian legislature can legally withhold. The State of Indiana, in her recent noble vote upon the establishment of free schools, seems to recognize this great fact. If the members of a legislature believe that proper physical training will secure health, that proper intellectual training will secure prosperity, and that proper moral training will secure happiness, is it not their solemn duty to find out how *such* training may be applied to the rising generation?

The topics of study should be arranged in a gradu-

ally ascending series, corresponding to the gradually unfolding powers of the pupil.

Leaving to better judges the due arrangement of subjects, I would suggest, as a substitute for some portion of the popular topics, such studies as *Physiology*, so far as the laws of health are concerned; *Natural History*, so far as shall enable the youthful mind "to look through nature up to nature's God;" *Useful Arts*, so far as they may be needed in after life; *Natural Philosophy*, so far as to indicate the simple forces of the universe; *Sketching*, so far as to represent a machine, landscape or face; *Music*, so far as to aid in this part of public worship; *Voluntary Discussions*, so far as to teach grammar, conversation, and the laws of fair debate; *Morals*, so far as to unfold our duties to ourselves, to others and to God. All these studies draw out the child's soul, which is education. The legislature should establish the following

*Classification of Schools.* 1. Primary schools, for children from four to eight years of age. 2. Grammar schools, for those from eight to twelve. 3. High schools, for those from twelve to sixteen. 4. Normal schools, for the preparation of teachers. 5. Teachers' Institutes, for the improvement of those teachers who have not been trained in a Normal school.

*Governmental Organization.* The supervisory power should be,—1. The local school committee, with the largest powers which can be trusted to a town. 2. County superintendents, to be chosen by ballot in the county. 3. Board of Education, composed of the governor, lieutenant-governor, president



of the senate, speaker of the house of representatives, treasurer of the State, the county superintendents, and the secretary of the board.

Thus constituted, the supervisory power would have completeness and efficiency. The county superintendents would be personally acquainted with every school in their several jurisdictions, and would therefore bring to the Board all the facts which would be necessary for profound, practical, and progressive legislation. Each town would make its report, and the county superintendents would make theirs to the Board of Education, and this Board would make its report annually to the legislature, to whom all the delegated powers must be responsible. The county superintendents should teach in every school, and deliver lectures on all school subjects, and also conduct examinations. The secretary of the Board should go through the State delivering lectures to parents and teachers, and spreading all the useful knowledge he can gain. He must be Argus-eyed, Briarean-handed.

A word of explanation about the Normal school. It is the first duty of a legislature to secure good teachers. The profoundest philosophy of a system of public free schools may be summed up in these eight words: *As is the teacher, so is the school.* The schoolmaster is the intellectual and moral missionary going forth to preach the glad tidings of knowledge and virtue to the youthful population of the land. No office this side the sun more honorable! No office this side eternity more important! How necessary that he should be fitted for his work! That he may properly govern his school he should have a soldier's

sternness overlaying a lover's good-will. That he may properly teach his pupils, he must have wealth at will, and will to use his wealth. It is the object of Normal schools to confer these powers, and bring out these qualifications.

Without time to explain the details of the system now indicated, I would ask, What does the world demand from the leading Christian republic in the nineteenth century? I answer, it demands a new dispensation of legislation—*a new idea*—A NEW ERA. I desire to utter, in the capital of this State, and before this crowded assembly, my emphatic protest against the prevalent maxims of legislation, as they relate to public schools; and I aver, that legislation on these highest interests of humanity is narrow and partial, and therefore unphilosophic and unchristian. It has never yet risen to the just conception of the dignity or importance, the power or the sacredness of the subject. Take the thirty State legislatures of this Union, and what is true of them on this momentous subject? They begin with a false view of human nature and human wants; and they end, where error and ignorance always end, in defeat and harm. There may be exceptions; but most of them seem to have no more apprehension of the extent and fertility of a child's mind, or of the relationships of childhood to mature life, than they have of the way in which the pyramids were built. They legislate well enough about hay, beef and fish, calico, hardware and taxes, because they understand these; but when they come to legislate upon the human mind and human character, *powers upon which all outward prosperity*

*depends*, then they seem blind to the first facts of the case. It is this blank ignorance of the paramount needs of society of which we have a right to complain, and we call on all citizens not to select men as legislators who can represent only the lowest strata of human wants. From examining the records of government, we might almost conclude that legislatures regarded men either as natural law-breakers, or fox-like traffickers, or social shirks, or uncompromising office-seekers, or intolerant bigots; for their chief action seems to be to restrain, to limit and to guard. Every page of the statute-book frowns with penalties, prohibitions, fines and threats. Cannot Christianity raise society to a moral self-respect, that shall make a higher legislation more efficient? If our republic declares to the world, that knowledge and virtue are the only sources of safety, improvement, and happiness, shall legislatures continue to regard man as only a stomach or a fist? While they present motives for bringing out the powers of the sea and soil, shall they offer no motives for bringing out the powers of the mind and heart? Will they never recognize the *whole* nature of man, the divine philosophy of life, the sacred affinities of moral truth, the noble aspirations of youthful genius, and the immortal thirst for the "Excelsior"? Will they never rise to the Christian idea of legislation, and do as an assembly of Saviours would do, if they were called to legislate for the utmost good of future generations?

You reply to all this, and say, that society is not ready for such legislative action. And why is it not ready? Because you, and such as you, *continue to*

*assert that it is not ready!* Change your hackneyed phrase, and say, emphatically, that society *is* ready, and how long will it be before a new and blessed era shall dawn on the State? Take up the trumpet of advice, and blow a blast that drowsiness itself shall hear, and in ten years the masses will begin to call for *Christian* legislation upon schools. Legislatures then would see that in a most important respect they stand "*in loco parentis*" to all the children of the commonwealth; and, therefore, that it is their solemn duty to see that the child has in the school-house every thing of education which it will hereafter need in the world. They would then see that national character is manufactured, by seeing that the elements which *should* compose that character, are doing their proper work upon the formative periods of youthful development. They would recognize the fact, that the laws of a State have much to do with the morality of a State; and that the morality of a State has every thing to do with its peace, thrift and happiness; and, moreover, that Christianity, enthroned in the heart of any people, is the cheapest police that any government can maintain.

Let us, from to-day, begin and hold up the idea of a new era in legislation—God's idea of legislation—a recognition of the highest motive-powers of man. Then legislatures will urge as well as restrain; direct as well as guard; instruct as well as rule; and instead of the thunder-tones of threats and penalties, they will send forth the sweet music of encouragement and approbation.

To indicate a practical beginning only of this new



era, let me suggest, that a legislature should see that seventy-five cents at least is assessed upon each individual of the whole population, for the support of public free schools. Property should pay for its protection and for the enhancement of its value by legislation.

Government, also, should see that the best books are used in the schools, and owned by the State, and should sell those books at the cost of paper, printing and binding.

Government, moreover, should see, not only that purposely-prepared and competent teachers are provided, but that inducements are offered sufficiently strong to secure their services through many years. For this purpose teachers, who show extraordinary merit and remain long in one place, should receive some public token of respect and reward. But, more than all, should legislatures see that teachers, especially female ones, receive compensation adequate to their high and arduous labors. Considering the amount of bodily toil, mental exhaustion and sacred responsibility, there is not a class of laborers on earth who are so poorly paid. It is the fashion in some towns to pauperize education by ranking it with eleemosynary stipends to foundling hospitals; and they seem to think that the more they spend on their highways, and the less they spend on their schools, so much the better for the town. The legislature should see that the highest interests of the community are not thus degraded; for of all dear things on earth the dearest of all is a *cheap* schoolmaster.

Again ; a paternal and Christian legislature should pass the law of *compulsion*, requiring that every child shall receive some intellectual and moral culture. In the present state of our mixed population, this law is called for as our defence. We have in the United States more than a million and a half of children, between the ages of four and sixteen, who are in no school, and who can neither read nor write ! Do you ask, what are we going to do with them ? This is not the question. The question is, what are they going to do with *us* ? We can disarm their animal ferocity only by the implantation of moral principle ; and this preventive process can be applied, in nineteen cases out of twenty, *only* during the period of youth. Is it not the duty of the legislature to see that it is applied ? The law for compelling children to attend some school, whether their parents will or not, is a law of political economy and comprehensive love. The reasons for such a law are these :—Society has a right to defend itself against crime, against murder, arson, theft, etc. Now, I would ask, if society has a right to defend itself against crime, whether it has not an equal right to defend itself against the *cause* of crime, which is IGNORANCE ? Has it a right to defend itself against an effect, and no right to defend itself against a cause ? If you force a young man into prison, because he is a thief, we call upon you to force him, while a boy, into a school-house, to prevent him becoming a thief. “An ounce of prevention is worth a pound of cure.” Moreover, every child should be instructed, because every one should be able to read the constitution and laws of his country, and to judge of the candidates



for public office; but, above all, because every human being should be able to read the laws of God, and to obey that sacred injunction—"search the scriptures daily." What apology can a Christian legislature make to God or to liberty, for allowing its population to grow up in ignorance? In the kingdom of Prussia, this law of compulsion has been in force ever since 1819; and in that kingdom there is not a human being who does not receive education, intellectual and moral, sufficient for all the wants of common life. The law was violently opposed at first, but so benignant have been its effects, that now not a family in the realm would wish its repeal. It had been in operation but fourteen years, when pauperism and crime had diminished thirty-eight per cent. At a time like the present, when legal inquiries have traced back adult crime to infantile neglect and puerile ignorance, when craft and outrage are round about us, like water round a diving-bell, and when these violations of justice and order are increasing in faster ratio than population or even wealth—at such a time, when legislatures come together and debate for months how to *punish*, have they no right to say a word about *prevention*? In the name of humanity I ask, if legislatures have a right to *hang*, and have no right to *educate*? Ought they not to wake up and look sharply around them, to see how the *sources* of an evil torrent may best be dried up; where the strongest dam may be thrown across its impetuous course, and into what side-channels its blind strength may be diverted?

A law, compelling every parent to see that his children are educated, is demanded by enlightened patriotism and Christian philanthropy. If a parent be so weak or wicked as to refuse to his child the daily bread of knowledge, let the legislature stand in the place of parent to that child, and do for him what his nature demands and the public safety requires. To enforce the law, let the selectmen of a town be empowered to impose, on a delinquent parent, a fine not less than one dollar and not more than five dollars. This fine would not need to be imposed in any town more than half-a-dozen times, because public sentiment would so heartily approve its benevolent aim, that it would silently change all objections, as was the case in Prussia. It is my firm conviction, that if a proper law should be passed, it would not take more than five years to bring it into general popularity. But to remove all objections to such a law, let towns be left free to enforce the law or not.

Many other laws would be required in the new era of Christian legislation; but I have space to mention only one more:—*a law to secure moral instruction to every child in the State.* Why should not legislatures recognize the highest attributes of humanity? A child's *moral* nature, by which he loves God and man and virtue, is as much a fact in this vast creation as is his *intellectual*, by which he studies mathematics or invents a machine; and moreover, *it is as capable of culture.* Its culture is more important to society than that of the intellect, because moral teaching produces all other teaching, and is reproduced in

all others. The moral nature of man is, therefore, to be recognized as a fact, a positive fact, an indestructible fact; and furthermore as *the* fact which underlies all real improvement and all permanent happiness. A wise Creator has bestowed the sovereignty on the moral, and not on the intellectual part of our mixed constitution. Human legislation should therefore second the divine; thereby securing to society the sovereignty of conscience.

How can this be done? I answer—by choosing for legislators those who are in advance of the public in all the great ideas of life, trade and improvement. They should be legislators who are, in the highest political sense, fathers in the commonwealth; men who, in quiet and mature reflection, have elicited and established great, yet simple principles; men of forecast and experience, who can throw fertile and needed truths into the fountains of public thought without dangerously troubling them. Such legislators, who represent not only the physical and metaphysical, but also the *moral* attributes and capabilities of their constituents, would see and feel that the human soul—that God-begotten thing sent into this world to act and suffer the allotments of humanity—has a right to moral expansion through the instrumentalities which its Creator has furnished. Such legislators would see and feel, that this world is our school-house, that God is our teacher, and the Bible is our class-book. They would see and feel, that education is the natural continuation of the process of creation, taking up that process just where the Deity left it. They would see and feel the propriety of having short portions of

the Bible read and explained every morning in the school; of having prayers read from books specially prepared for schools; of having moral questions discussed by the pupils, and moral lectures delivered by the teacher; and of introducing, as text-books, such manuals as "Sullivan's Moral Class-Book," "Wayland's Moral Science," "Hall's Morals for Schools," and such like. Such legislators would see and feel, that to deny to the hungry and thirsting soul of childhood the nourishment which these books are prepared to give, would be little less than committing murder by starvation. Such legislators would not interfere with any sectarian prejudices; but, rising above them all, would fix on the two central principles of the spiritual universe, JUSTICE and LOVE, and would so embody them in the educational codes of the State, as to silence noisy demagogues and intolerant bigots.

May I say a word to the legislature of Vermont? Your Constitution wisely recognizes the principles for which I have been contending. In accordance with its spirit, let me ask you, civil fathers, to consider the *whole* nature of man. His physical, intellectual and moral powers are each dear to God; let them be equally dear to you. Give them all their fair, natural chance in your State. If, by partial or penurious legislation concerning schools, you do every thing to sharpen the intellect of youth, and do nothing to Christianize the conscience; if you make a giant of that intellect and a dwarf of that conscience, do you not thereby double the power of doing wrong, and



proportionably lessen the disposition to do right? We invite you to take the most comprehensive views of human society, and to make the deepest philosophy of human nature the basis of your legislation. Congress, when it set apart a portion of the public lands, in every town, as devoted to education, has set you a noble example; and it seems to say to you, that next to parents, you are responsible for the intellectual and moral culture of the rising generation; and especially of those whom the ordinary agencies of society cannot reach. We trust you will heed a nation's exhortation.

We ask you to render the public schools of your State attractive to youth. Furnish them with accomplished teachers, good libraries, and extensive apparatus. Where the honey is, there the bees will always come. You promise tempting rewards to any citizen who shall rear the fairest forest of oaks, or raise the largest cattle, or invent the best machine,—would it be unworthy of your patriotism to bring your approbation to bear, in some form, on the best school-teacher, on the fittest class-book, or the worthiest pupil? Are not mind and morals staples worth some patronage? You spend vast sums in prisons and penitentiaries, in watchmen and sheriffs, will you not provide something which will render these useless? If you plant a moral principle in the plastic mind of youth, you put there a hundred governors. Are you not bound to make the process, which is preventive of crime, so perfect that the curative one will not be needed?

Perhaps you reply to all this, and say—"We are afraid of sectarianism." And so are we: but we are not so much afraid of any of the prevalent forms of Christianity as we are of the heathenism which threatens us; we are not half so much afraid of sectarianism as we are of infidelity, or as we are of the blackness and darkness of ignorance. Better eat sour bread than starve.

Civil Fathers! a deepening moral responsibility rests on you. You are addressed on every side by emphatic voices. Our pilgrim ancestors, from the rock of Plymouth, call out to you from the visible past, and command you to follow up the two great principles of the *church* and *school-house*, which they have bequeathed to us in trust. So, too, from the invisible future, do coming generations call to you, ere they arrive, beseeching you to provide for them that instruction, which shall make them equal to all the demands of an advanced civilization. Will you be deaf to the command of your fathers, or the prayer of your children?

I have thus, Gentlemen of the Institute, indicated, not as I had wished, but as I am able, the new era in legislation, which it seems to me the Christian religion demands of the leading republic of the world in the nineteenth century. Abler pens, I hope, will convert these hints to life and power. God grant that our country may so strike that grand key-note, that all the republics of our hemisphere, which are just in their childhood, and all those in Europe which are



just being born, may joyfully catch the sacred tones, and chant together, as in chorus, the song of redemption, liberty and love, which is the song of truth, education and Christianity.

And now, in bringing this course of lectures to a close, it must have been apparent to all, that the need of *moral* culture is more and more felt as indispensable to the highest improvement and prosperity of our schools. Most happy am I to find the present thus telegraphing to the future. Let this Institute lift so high the Christian standard, that every legislature in the land may read its heavenly motto.

And now, methinks, I hear the car of the nineteenth century, laden with the improvements in art, literature, science and religion, speeding its way towards us, with its breath of fire. It comes from the North; and it is the duty of this Association to see that it stops not until it has reached the extremest verge of our Southern continent. We trust it will pass through the capital of every State, to give to each legislature the opportunity of making its generous contributions. Thus laden, it shall acquire a momentum that will crush to atoms every opposing power. Shall we not welcome its coming? Yes! Let us hail it from our inmost hearts, and shout it along its way. Hear we not the noise of its wheels? Let it come—let it come. God give it speed. Clear the track; for the bell rings.









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